

ORDINANCE NO. 2010-9

**AN ORDINANCE OF THE VILLAGE COMMISSION OF THE  
VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING  
CHAPTER 6, PUBLIC FACILITIES AND SERVICES, SECTION  
6.3.2 OF THE MUNICIPAL CODE RELATING TO GARBAGE  
CONTAINERS; PROVIDING FOR CONFLICT; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING  
FOR AN EFFECTIVE DATE**

WHEREAS, the Municipal Code currently limits the size of residential garbage cans to a capacity of thirty (30) gallons or less; and

WHEREAS, residential garbage cans that are typically sold in stores have a capacity of up to forty (40) gallons; and

WHEREAS, in order to allow residents to purchase garbage cans that are commonly sold, the Village Commission finds it to be in the best interests to amend Section 6.3.2 relating to garbage containers; now, therefore

BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

**Section 1.** Chapter 6, Public Facilities and Services, Section 6.3.2, of the Municipal Code of the Village of Biscayne Park relating to garbage containers is hereby amended to read as follows:

**Sec. 6.3.2. Containers.**

(a) Each residential unit shall have a sufficient number of garbage cans or approved containers, not to exceed forty (40) gallons in capacity, to accommodate all garbage, leaves and grass cuttings. Garbage cans shall be kept tightly closed at all times and easily accessible to collectors. Collection service may be discontinued where the garbage cans or containers are determined to be unfit for receptacles by the public works department. Failure of the property owner to provide proper garbage cans or containers which results in a discontinuance of service shall subject the property owner to the penalty provisions of this code.

\* \* \*

**Section 2. Repeal of Conflicting Provisions.** To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in its entirety.

1           **Section 3.    Severability.** The provisions of this Ordinance are declared to be

2   severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be  
3   held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining  
4   sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it  
5   being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any  
6   part.

7           **Section 4.    Inclusion in the Code.** It is the intention of the Village Commission, and

8   it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the  
9   Code of the Village of Biscayne Park, Florida; that the sections of this Ordinance may be  
10   renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be  
11   changed to "Section" or other appropriate word.

12          **Section 5.    Effective Date.** This Ordinance shall be effective upon adoption on

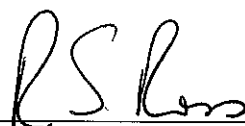
13   second reading.

14  
15   The foregoing Ordinance was offered by Commissioner Childress, who moved its adoption. The  
16   motion was seconded by Vice Mayor Cooper and upon being put to a vote, the vote was as  
17   follows:

18  
19   FIRST READING: June 8, 2010

20   SECOND READING: July 13, 2010

21  
22                                   **The foregoing ordinance upon being put**  
23                                   **to a vote, the vote was as follows:**

24                                     
25                                   \_\_\_\_\_  
26   Roxanna Ross, Mayor  
27

Mayor Ross: Yes  
Vice Mayor Childress: Yes

